

APR 30-2010

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

In the Matter of

MUR 6264

CORY RUTH FOR CONGRESS AND

ANTHONY LEWIS, AS TREASURER

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CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6264 as a low-rated matter.

In this matter, the complainant, Jason Lee Childers, states that Cory Ruth for Congress and Anthony Lewis, in his official capacity as treasurer (collectively "the Committee"), violated the Federal Election Campaign Act of 1971, as amended ("Act"), and its underlying regulations, by failing to include disclaimers on "all [of the Committee's] campaign advertising," including its "push cards and web-site." Specifically, the complainant maintains that, on February 6, 2010 and February 16, 2010, candidate Cory Ruth distributed "push cards"<sup>1</sup> which failed to include information stating who had paid for them, in apparent violation of 2 U.S.C. § 441d(a) and 11 C.F.R. §§ 110.11(a) and (b)(1). Enclosed with the complaint is a photocopy of what is described as one of the Ruth's campaign's push cards, which includes language identifying Mr. Ruth as a candidate for Congress from Georgia's Fourth Congressional District, but which does not state who paid for and authorized the card. In addition, the complainant asserts that he located the Committee's internet website and

<sup>1</sup> The term "push card" is not defined in the Act or underlying regulations.

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determined that it also lacked a disclaimer, in violation of 2 U.S.C. § 441d(a) and 11 C.F.R. §§ 110.11(a) and (b)(1).

Mr. Ruth, responding on behalf of the Committee, acknowledges that, for a short period of time, his campaign had distributed materials that lacked disclaimers. However, after receiving a copy of the complaint, Mr. Ruth asserts that he "removed" such materials and has ensured that all of his campaign materials now include the disclaimer "Paid for by Cory Ruth for Congress, LLC." An internet search indicates that the Committee's website at <http://coryruth.com/joomla/> includes the disclaimer "Paid for By Cory Ruth for Congress."

Political committee campaign materials that require disclaimers include, *inter alia*, internet websites and communications disseminated through broadcasting stations, newspapers, magazines, or other types of general public political advertising, *see* 2 U.S.C. § 441d(a); *see also* 11 C.F.R. § 110.11(a). Based on the available information, we are unable to determine the complete scope and manner in which the push cards were employed by the Committee. However, the Committee has conceded that a disclaimer may have been necessary and has indicated in its response to affixing disclaimers to its push cards and various other campaign materials. Moreover, the Committee has acknowledged that its website might not have included the requisite disclaimers during some portion of Ruth's campaign.

*In light of the Committee's swift remedial action, and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss this matter. See Heckler v. Chaney, 470 U.S. 821 (1985).* Additionally, this Office intends on reminding Cory Ruth for Congress and Anthony Lewis, in

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his official capacity as treasurer, of the requirements under 2 U.S.C. § 441d(a) and 11 C.F.R. §§ 110.11(a) and (b)(1) concerning the use of appropriate disclaimers.

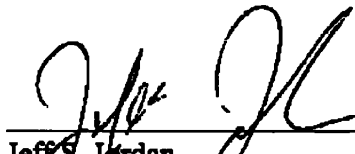
**RECOMMENDATIONS**


The Office of General Counsel recommends that the Commission dismiss MUR 6264, close the file, and approve the appropriate letters. Additionally, this Office recommends reminding Cory Ruth for Congress and Anthony Lewis, in his official capacity as treasurer, of the requirements under 2 U.S.C. § 441d(a) and 11 C.F.R. §§ 110.11(a) and (b)(1) concerning the use of appropriate disclaimers.

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4/30/10  
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